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E-Filed on January 18, 2008

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA Commercial Mortgage Company
06-10725 – Lead Case

USA Capital Realty Advisors, LLC
06-10726

USA Capital Diversified Trust Deed Fund, LLC
06-10727

USA Capital First Trust Deed Fund, LLC
06-10728

USA Securities, LLC
06-10729

Debtors.

Jointly Administered
Chapter 11 Cases
Judge Linda B. Riegler Presiding

**Stipulation Requesting: Trial
Continuance; Mediation; That the
Court Grant The USACM Trust's
Motion To Amend In Part**

Affecting:☐ All Cases**or Only:**☒ USA Commercial Mortgage Company☐ USA Capital Realty Advisors, LLC☐ USA Capital Diversified Trust Deed Fund, LLC☐ USA Capital First Trust Deed Fund, LLC☐ USA Securities, LLC

Date: January 24, 2008

Time: 9:30 a.m.

New date: March 25, 2008

Time: 9:30 a.m.

The USACM Liquidating Trust (the "USACM Trust") by and through its counsel, Lewis and Roca LLP, and Los Valles Land & Golf LLC ("Los Valles"), by and through its counsel, Akin Gump Strauss Hauer & Feld, LLP, stipulate:

1. That the trial in this matter currently scheduled for March 27 and March 28, 2008 at 9:30 a.m. be rescheduled to a date to be set in July of 2008. The parties request a

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1 trial continuance because counsel for the USACM Trust, John Hinderaker, is having
2 continuing health issues related to a heart arrhythmia that will prevent him from trying this
3 matter in March. For efficiency's sake the Trust would prefer to keep Mr. Hinderaker on
4 the case, but to postpone the trial.¹

5 2. The parties also believe that such a continuance would allow them to
6 mediate and possibly resolve their disputes after they depose certain key witnesses. The
7 parties request that the Court arrange a mediation before one of the other judges of this
8 Court in late February or early March of 2008.

9 3. The USACM Trust withdraws its Motion for Leave to File Second Amended
10 Objection and Counterclaim (the "Motion to Amend") [DE 5529] to the extent it seeks to
11 join Mr. Dan Palmer as party to the counterclaim against Los Valles. The USACM Trust
12 may, however, renew the Motion to Amend as to Mr. Palmer should the mediation not
13 produce a settlement.

14 4. That the Court grant the USACM Trust's Motion to Amend to the extent it
15 seeks leave to file a counterclaim against Los Valles in the form attached to the Motion to
16 Amend with the claims against Mr. Palmer removed.

17 5. That the hearing on the Motion to Amend scheduled for January 24, 2008 at
18 9:30 a.m. be vacated.

19 6. That the pre-trial conference scheduled for March 14, 2008, at 1:30 p.m. be
20 vacated and the discovery deadlines set forth in the Order re: Pre-Trial Matters; Trial; and
21 Settlement Conference on the Objection to Claim 1366 of Los Valles Land & Golf, LLC
22 [DE 5383] be vacated and reset in accordance with a trial date at the end of July 2008.

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25 ¹ Lead counsel for Los Valles has a one-month class arbitration scheduled to
26 commence on April 28, 2008 in Los Angeles, California and therefore cannot reasonably
schedule the hearing regarding this claim until the end of June 2008, at the earliest, and
would strongly prefer that the hearing regarding this claim be scheduled for July 2008.

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1 COPY of the foregoing served via e-mail where
2 an e-mail address is listed, and if no e-mail
3 address is listed, then by first class, postage paid
US mail, this 15th day of January, 2008
addressed to:

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c/o Palmer Investments, Inc.
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16 /s/ Christine E. Laurel
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